

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roman Coppola

Application No.: 10/568,656

Filed: 02/15/06

For: Inflatable Photographic Structure

**CERTIFICATE OF EFS SUBMISSION (37 C.F.R. § 1.8(a)(1)(C))**

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Jacquelyn Campbell

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Roman Coppola

Application No.: 10/568,656

Group No.: 2851

Filed: 02/15/2006

Examiner: Liu, Michael

For: Inflatable Photographic Structure

**Mail Stop Appeal Briefs – Patents**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**TRANSMITTAL OF APPEAL BRIEF  
(PATENT APPLICATION--37 C.F.R. § 41.37)**

1. Transmitted herewith, is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed concurrently herewith.

2. STATUS OF APPLICANT

This application is on behalf of a small entity. A statement was already filed.

3. FEE FOR FILING APPEAL BRIEF

Pursuant to 37 C.F.R. § 41.20(b)(2), the fee for filing the Appeal Brief is:

|              |          |
|--------------|----------|
| small entity | \$255.00 |
|--------------|----------|

|                             |                 |
|-----------------------------|-----------------|
| <b>Appeal Brief fee due</b> | <b>\$255.00</b> |
|-----------------------------|-----------------|

4. EXTENSION OF TERM

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

|                  |          |
|------------------|----------|
| Appeal brief fee | \$255.00 |
|------------------|----------|

|                        |        |
|------------------------|--------|
| Extension fee (if any) | \$0.00 |
|------------------------|--------|

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| <b>TOTAL FEE DUE</b> | <b>\$255.00</b> |
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6. FEE PAYMENT

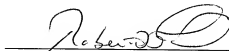
The Applicant requests the previously paid appeal fees under 37 C.F.R. 41.20 be applied to the present appeal. The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 500341.

7. FEE DEFICIENCY

If any additional extension and/or fee is required, and if any additional fee for claims is required, charge Deposit Account No. 500341.

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7/25/08



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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**GROUP ART UNIT 2851**

EXAMINER: Liu, Michael

APPELLANT: Coppola, Roman

SERIAL NO. 10/568656

FILED: February 15, 2006

FOR: Inflatable photographic structure

ART UNIT: 2851

MS Appeal Brief - Patents

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Attention: Board of Patent Appeals and Interferences

**APPELLANT'S BRIEF UNDER 37 CFR § 41.37**

The Applicant filed a notice of appeal on February 27, 2008, and its opening brief on March 26, 2008 in response to the Final Office Action issued on December 14, 2007. Subsequently, the Examiner reopened prosecution and the Applicant received a non-final office action on April 25, 2008. Please note the Applicant is requesting reinstatement of the appeal, by concurrently filing herewith a new notice of appeal, and this appeal brief addressing the new grounds of rejection in the April 25, 2008 office action.

The Applicant requests the previously paid appeal fees under 37 C.F.R. 41.20 be applied to the present appeal. Any additional fees are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

This brief contains the following items under the headings in the order here indicated:

- I. Real Party in Interest
- II. Related Appeals and Interferences
- III. Status of Claims

- IV. Status of Amendments
- V. Summary of Claimed Subject Matter
- VI. Grounds of Rejection to be Reviewed on Appeal
- VII. Argument
- VIII. Claims Appendix
- IX. Evidence Appendix
- X. Related Proceedings Appendix

**I. Real Party in Interest**

The real party in interest is Roman Coppola.

**II. Related Appeals and Interferences**

There are no other appeals or interferences in this matter known to appellant.

**III. Status of Claims**

- 1. Claims pending: 1, 4, 6-13, and 19-23;
- 2. Claims withdrawn: none;
- 3. Claims canceled: 2-3, 5, and 14-18;
- 4. Claims rejected: 1, 4, 6-13, and 19-23; (**Please note** the Office Action Summary of the April 25, 2008 Office Action shows claims 1, 6-13 as rejected, claims 19-23 as allowed, and claim 4 as objected to. In a telephone call to Examiner Liu on July 23, 2008, the Applicant was informed by Examiner Liu that the allowance of claims 19-23 and objection to claim 4 were typographical errors and that no claims have been allowed or objected to.)
- 5. Claims objected to: none;

6. Claims allowed: none; and
7. Claims on appeal: 1, 4, 6-13, and 19-23.

#### **IV. Status of Amendments**

In the April 25, 2008 Office Action Fig.4 was objected to due to a typographical error. The Applicant is concurrently filing herewith a response to the April 25, 2008 Office Action to correct Fig. 4, and also concurrently filing a new notice of appeal and the present appeal brief to request reinstatement of the appeal.

#### **V. Summary of Claimed Subject Matter**

A) **Independent claim 1** recites a photographic system, comprising:

- a) An inflatable structure (Spec. page 3/L2-4) that defines a cavity sufficiently large to contain a plurality of people, props, and equipment (Spec. page 3/L30-32 and FIGS. 1-2, numeral 100 and 200, respectively); and
- b) wherein the structure comprises a translucent wall (Spec. page 3/L13-25) that is colored to produce a uniform chroma key colored backdrop (Spec. page 4/L10-24) to a subject being photographed from inside the cavity (Spec. page 6/L21-24, and FIG.2).

B) **Independent claim 19** recites a photographic method, comprising:

- a) providing an inflatable structure that defines a cavity (Spec. page 3/L2-4, and FIGS 1-3; and also Spec. page 7/L3-15 and FIG. 4) having a wall colored to produce a chroma key colored background (Spec. page 4/L10-24; and also Spec. page 7/L3-11 and FIG 4);
- b) positioning a camera and a subject inside the cavity (Spec. page 7/L16-26 and FIG. 4);
- c) illuminating the subject with artificial lighting transmitted through the wall (Spec. page 5/L16-22 and Spec. page 7/L5-6); and

- d) photographing the thus illuminated subject against the background from the inside of the cavity (Spec. page 7/L4-32).

**VI. Grounds of Rejection to be Reviewed On Appeal**

- A. Rejection of claims 1, 6-8, 10, and 11 under 35 U.S.C. 103(a) as being unpatentable over Oles (US 5,946,500) in view of Leary (US 6,061,969).
- B. Rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Huebner (US 6,343,184).
- C. Rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Simens (US 6,282,842).
- D. Rejection of claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Sadler (4,164,829).
- E. Rejection of claims 19, 20, and 22 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary and further in view of Huebner.
- F. Rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19, and further in view of Aptekar (US 2005/0144018).
- G. Rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19, and further in view of Sadler.

**VII. ARGUMENT**

Previously, in the December 12, 2007, Final Office Action, all of the Office's rejections (with the exception of one rejection that has been withdrawn) constituted Leary in view of Oles under 35 USC 103(a), to which the applicant filed an appeal brief on March 26, 2008. The Office found the Applicant's arguments to be persuasive in the March 26 appeal brief, and subsequently reopened prosecution by issuing new grounds of rejection by simply reversing the rejection of Leary in view of Oles to be Oles in view of Leary. The Applicant cannot see how the reversal of Leary and Oles changes the outcome in this case, and again argues that the Office failed to establish a *prima facie* showing of obviousness because there is no teaching, suggestion,

or motivation in the combination of Oles/Leary or Leary/Oles to practice a photographic system as currently claimed in independent claim 1.

**A. Rejection of Claims 1, 6-8, 10, And 11 Under 35 U.S.C. 103(a) As Being Unpatentable Over Oles (US 5,946,500) In View Of Leary (US 6,061,969).**

The Office's rejection of claims 1, 6-8, 10, and 11 should be withdrawn. The Office failed to establish a *prima facie* showing of obviousness because there is no teaching, suggestion, or motivation in the combination of Oles/Leary to practice a photographic system as currently claimed in independent claim 1.

It is well recognized that the factual inquiry whether to combine references must be based on objective evidence of record. See, e.g., *Brown & Williamson Tobacco Corp. v. Philip Morris Inc.*, 229 F.3d 1120, 1124-25, 56 USPQ2d 1456, 1459 (Fed. Cir. 2000) ("a showing of a suggestion, teaching, or motivation to combine the prior art references is an 'essential component of an obviousness holding'"). The courts have held that "...teachings of references can be combined only if there is some suggestion or incentive to do so." (quoting *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984)). Indeed, particular findings must be made as to the reason the skilled artisan, with no knowledge of the claimed invention, would have selected these components for combination in the manner claimed (see, e.g., *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000)). Thus, the Office can satisfy the burden of showing obviousness of the combination only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. *In re Fritch*, 972 F.2d 1260, 1265, 23 USPQ2d 1780, 1783 (Fed. Cir. 1992).

In this case, claim 1 recites a photographic system having, *inter alia*, the following limitations: (1) an inflatable structure that defines a cavity sufficiently large to contain a plurality of people, props, and equipment; and (2) wherein the structure comprises a translucent wall; (3) that is colored to produce a uniform chroma key colored backdrop; (4) to a subject being photographed from inside the cavity. Thus, claim 1 requires the Office to find a reference or proper combination of references that teach, suggest or motivate one of ordinary skill in the art to



practice a photographic system having the above limitations. To date, the Office has failed to provide such a showing.

The Office cites Oles at C4:L27-32 for teaching a wall that is colored to produce a uniform chroma key colored backdrop of blue or green (April 25, 2008, Office Action, page 3.). In addition, the Office cites Oles for teaching a “structure that defines a space [FIG 1A: space between camera 16 and background 10] sufficiently large to contain a plurality of people 12, props, and equipment 14 and 16.” (*Id.* at page 2.) In regards to the structure, the office takes this limitation out of context. As currently claimed, claim 1 requires “an inflatable structure that defines a cavity sufficiently large to contain a plurality of people, props, and equipment,” and it is clear that Oles fails “the inflatable structure” portion of this limitation. Hence, the Office turns to Leary for teaching “a dome-shaped inflatable structure ..., [having] he walls of the structure are transparent or translucent to allow sufficient light transmission.” (*Id.* at page 4).

The Office’s stated rationale for combining Oles with Leary is that, “it would have been obvious to use the inflatable structure of Leary and its details in the invention of Oles, for the purpose of providing a portable, temporary and inexpensive photographic system to construct a portable photographic setting for a photographer to shoot on location.” (April 25, 2008, Office Action, page 4). However, this mere conclusory statement is simply not sufficient to provide the requisite teaching, suggestion, or motivation to combine Oles with Leary. In fact, Oles never mentions anything about using the device with an inflatable structure for the purpose of providing a portable, temporary and inexpensive photographic system to construct a portable photographic setting for a photographer to shoot on location. Moreover, there is not one iota of indication in Leary that the inflatable structure could be used in a chroma key colored background replacement method (see argument *infra*). The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). What the Office is doing here is exactly what the Court in *Kahn* warned against.

Still further, a person or ordinary skill in the art would not have been motivated to combine the teachings of Oles with Leary because the cited combination would simply not work.

As currently claimed, Coppola requires that the wall is colored to produce a “uniform ... backdrop.” In the specification, it is pointed out that “the background can be re-textured so that the surface texture is substantially the same over the entire surface,” and “seams detract from the uniformity of the background and therefore fewer seams are preferred especially in areas that are likely to be captured by the camera.” Coppola Spec., page 4:L21-24. The biggest challenge when setting up a blue-screen or green-screen is even lighting and the avoidance of shadow, because it is ideal to have as narrow a color range as possible being replaced.

[http://en.wikipedia.org/wiki/Chroma\\_key](http://en.wikipedia.org/wiki/Chroma_key). Hence, irregularities in the surface of background, such as uneven texture or surface indentations would cause the backdrop to be unsuitable for use in the background replacement method. In deed, Leary discloses that “the outer wall 34 and inner wall 36 (see FIG. 3) ... are spot welded together at the apex 20 of the greenhouse 10 and at numerous points 16 throughout the walls in a pattern which lends to the structural rigidity of the greenhouse 10 when inflated.” Leary Spec. at C4:L12-17. As such, the cited combination would not render claim 1 obvious, since Leary’s inner wall has surface irregularities (i.e. indentations) that would cause shadowing. See Leary FIG. 3. Therefore, a person of ordinary skill in the art would not be motivated to combine the teachings of Oles with Leary.

Moreover, the Office in the December 12, 2007 Office Action, relied on the word, “pigmented,” in Leary, to presumably stand for the proposition that Leary’s structure could comprises a wall that is colored to form a uniform chroma key colored backdrop. *Id.* at C5:L62. The Applicant pointed out that although it is true that the wall of Leary may be colored (i.e. pigmented), that is not what is claimed. What is claimed is a wall that is “colored to produce a uniform chroma key colored backdrop.” A chroma key color is a color that is “suitable for use in a background replacement method.” See Coppola Spec. page 4, 1<sup>st</sup> full paragraph. Such replacement methods look at the luminescence of a particular color, that is, everything over (or under) a set brightness level is keyed out and replaced by another image. Wordsmyth online defines “chroma” as “the purity or degree of saturation of a color.” Thus, a chroma key colored backdrop is a colored backdrop that has particular qualities that enable it to be used in a background replacement method. Consequently, it should be understood that Coppola’s chroma key color is not a subset of Leary’s pigment, but is entirely inconsistent with Leary’s pigment.

Hence, Leary's motivation to use a pigmented wall is to control the degree of light transmission into the structure, whereas Coppola's chroma key colored wall is to provide a suitable backdrop for a background replacement method. Thus, there is absolutely no indication anywhere in Leary to use a chroma key colored wall, and therefore no teaching, suggestion or motivation to combine the teaching of Leary with Oles. In fact, Leary's solution is completely adequate, and thus a person of ordinary skill in the art would not have contemplated coloring Leary's inner wall with a chroma key color. Nor would a person of ordinary skill in the art have contemplated combining Leary inflatable structure with Oles.

In sum, each of Oles and Leary convey to one of ordinary skill in the art that they have completely solved their respective problems, and thus one of ordinary skill in the art would not be motivated to combine the two solutions, each of which supposedly provides a complete solution to their respective problems. Oles works just fine without using an inflatable structure. And Leary's device apparently works just fine, without a wall that is colored to produce a chroma key colored backdrop. As such, Oles and Leary both fail to teach, suggest or motivate a person of ordinary skill in the art to combine their teachings to arrive at the subject matter as currently claimed in independent claim 1. Still further, a person of ordinary skill in the art would not be motivated to use Leary's inflatable structure and Oles' chroma key colored background because that combination simply fails to provide a suitable backdrop for a background replacement method. This is critical, because the Office has the initial burden to show a teaching, suggestion, or motivation to combine. The burden only shifts to the Applicant once the Examiner's burden has been satisfied. In this case, the Office failed to meet the initial burden of showing a teaching, suggestion, or motivation to combine Oles with Leary. Thus, the Office is using impermissible hindsight to combine specific elements from completely different references, to produce a combination for which there is absolutely no teaching, suggestion, or motivation.

Claims 6-8, 10 and 11 are all allowable (among other things) by virtue of their dependency upon allowable claim 1.

**B. Rejected Of Claim 4 Under 35 U.S.C. 103(A) As Being Unpatentable Over Oles In View Of Leary As Applied To Claim 1, And Further In View Of Huebner (US 6,343,184).**

Here again, the rejection of claim 4 should be withdrawn since the Office failed to establish a *prima facie* showing of obviousness.

As discussed above, the combination of Oles and Leary fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. Similarly, Huebner adds nothing further to the analysis. Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Huebner to practice the invention as recited in independent claim 1. Thus, the combination of Leary, Oles, and Huebner does not render claim 1 obvious. Moreover, claim 4 is dependent upon allowable claim 1, and it is logically impossible for claim 4 to be obvious when claim 1 is allowable. As such the rejection of claim 4 should be withdrawn.

**C. Rejection Of Claim 9 Under 35 U.S.C. 103(A) As Being Unpatentable Over Oles In View Of Leary As Applied To Claim 1, And Further In View Of Simens (US 6,282,842).**

Again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 9 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Simens (US 6282842).

As discussed above, the combination of Oles and Leary fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. Similarly, Simens adds nothing further to the analysis. Simens fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Simens to practice the invention as recited in independent claim 1. Thus, the combination of

Leary, Oles, and Simens does not render claim 1 obvious. Moreover, claim 9 is dependent upon allowable claim 1, and it is logically impossible for claim 9 to be obvious when claim 1 is allowable. As such the rejection of claim 9 should be withdrawn.

**D. Rejection of claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Sadler (4,164,829).**

Yet again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claims 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Oles in view of Leary as applied to claim 1, and further in view of Sadler.

As discussed above, the combination of Oles and Leary fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. Similarly, Sadler adds nothing further to the analysis.

Notably, Sadler fails to teach (1) a translucent wall (2) that is colored to produce a uniform chroma key colored backdrop, as claimed in independent claim 1. Instead, Sadler teaches that the wall of the structure has two layers that are opaque. *Id.* at C2:L35-45. Specifically, Sadler discloses that the “first layer which faces into the interior of the structure has a white surface, while the second layer has a black surface, the overall material being opaque.” *Id.* In fact, Sadler not only fails to expressly disclose a translucent wall, but also fails to inherently disclose a translucent wall. In this case, a person of ordinary skill in the art would not recognize that a translucent wall is inherently contained in Sadler. Sadler’s motivation to use an opaque wall is to provide an inner surface that is suitable for image projection, rather than to provide a wall that is suitable for background replacement, and also one that is capable of allowing transmission of light from the exterior (to reduce shadowing problems inherent with direct lighting). Consequently, Sadler teaches away from using a translucent wall, and as a result a person skilled in the art would not expect Sadler’s inner wall to be suitable for use in background replacement.

Thus, Sadler also fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure with a wall colored to produce a uniform chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Oles, Leary, and Sadler to practice the invention as recited in independent claim 1. Thus, the combination of Leary, Oles, and Sadler does not render claim 1 obvious.

Claims 12 and 13 are dependent upon allowable claim 1, and it is logically impossible for claims 12 and 13 to be obvious when claim 1 is allowable. As such the rejection of claims 12 and 13 should be withdrawn.

**E. Rejection Of Claims 19, 20, And 22 Under 35 U.S.C. 103(A) As Being Unpatentable Over Oles In View Of Leary And Further In View Of Huebner.**

The rejection of claims 19, 20, and 22 should also be withdrawn for the same reasons discussed above, with respect to (1) the rejection of claims 1, 6-8, 10, and 11 over Oles and Leary, and (2) the rejection of claim 4 over Oles, Leary, and Huebner. Here again the Office failed to establish a *prima facie* showing of obviousness.

In this case, claim 19 recites a photographic method comprising, *inter alia*, “providing an inflatable structure that defines a cavity having a wall colored to produce a chroma key colored background ... and illuminating the subject with artificial lighting transmitted through the wall.”

As discussed above, the combination of Oles and Leary fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 1. The same is true for claim 19. Huebner fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure having a wall colored to produce a chroma key colored backdrop. Again, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, and Huebner to practice the invention as recited in independent claim 19. Thus, the combination of Leary, Oles, and Huebner does not render the claimed invention obvious as recited in independent claim 19. As such the rejection of claim 19 should be withdrawn.

Claims 20 and 22 are all allowable (among other things) by virtue of their dependency upon allowable claim 19.

**F. Rejection Of Claim 21 Under 35 U.S.C. 103(A) As Being Unpatentable Over Oles As Combined As Applied To Claim 19, And Further In View Of Aptekar (US 2005/0144018).**

Again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 21 under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19, and in further view of Aptekar.

As discussed above, the combination of Oles, Leary, and Huebner fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 19. Similarly, Aptekar adds nothing further to the analysis. Aptekar fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize, a photographic system having, *inter alia*, an inflatable structure having a wall colored to produce a chroma key colored backdrop. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Oles, Leary, Huebner, and Aptekar to practice the invention as recited in independent claim 19. Thus, the combination of Oles, Leary, Huebner, and Aptekar does not render the claimed invention obvious as recited in independent claim 19. Moreover, claim 21 is dependent upon allowable claim 19, and it is logically impossible for claim 21 to be obvious when claim 19 is allowable. As such the rejection of claim 21 should be withdrawn.

**G. Rejection Of Claim 23 Under 35 U.S.C. 103(A) As Being Unpatentable Over Oles As Combined As Applied To Claim 19, And Further In View Of Sadler.**

Yet again, the Office failed to establish a *prima facie* showing of obviousness with respect to the rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Oles as combined as applied to claim 19, and in further view of Sadler.

As discussed above, the combination of Leary, Oles, and Huebner fails to provide a teaching, suggestion, or motivation that would have led one of ordinary skill in the art to practice a photographic system as recited in independent claim 19. Similarly, Sadler adds nothing further

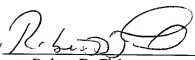
to the analysis. As discussed above, Sadler teaches away from using a translucent wall (i.e. illuminating the subject with artificial lighting transmitted through the wall). As a result a person skilled in the art would not expect that Sadler's inner wall is suitable for use in background replacement. Thus, Sadler fails to provide any teaching, suggestion, or motivation to a person skilled in the art to utilize a wall colored to produce a chroma key colored background. Still further, the Office failed to cite any common knowledge that could be combined with the combination of Leary, Oles, Huebner, and Sadler to practice the invention as recited in independent claim 19. Thus, the combination of Leary, Oles, Huebner, and Sadler does not render the claimed invention obvious as recited in independent claim 19. Moreover, claim 23 is dependent upon allowable claim 19, and it is logically impossible for claim 23 to be obvious when claim 19 is allowable. As such the rejection of claim 23 should be withdrawn.

### CONCLUSION

In its repeated obviousness rejections, the Office never set forth a proper *prima facie* showing of obviousness. None of the cited art, alone or in any combination, teaches, suggests or motivates one of ordinary skill in the art to satisfy all the limitations of the independent claims. The rejections should be withdrawn.

Respectfully submitted,  
Fish & Associates, PC

Date: 7/25/08

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## **VIII. Claims Appendix**

1. A photographic system, comprising:
  - an inflatable structure that defines a cavity sufficiently large to contain a plurality of people, props, and equipment; and
  - wherein the structure comprises a translucent wall that is colored to produce a uniform chroma key colored backdrop to a subject being photographed from inside the cavity.
- 2-3. (Cancelled)
4. The system of claim 1, further comprising a plurality of stage lights that illuminate the cavity from outside the structure.
5. (Cancelled)
6. The system of claim 1, wherein the inflatable structure is comprised of a plastic sheet.
7. The system of claim 6, wherein the plastic sheet is a vinyl.
8. The system of claim 7, wherein the vinyl has a thickness of at least 4 mils.
9. The system of claim 1, wherein the inflatable structure has a floor area of more than 20,000 sq. ft.
10. The system of claim 1, wherein the chroma key color is blue.
11. The system of claim 1, wherein the chroma key color is green.
12. The system of claim 1, wherein the inflatable structure has a floor portion that is continuous with the wall.
13. The system of claim 1, wherein the structure is inflated by pressurizing the cavity.
- 14-18. (cancelled)
19. A photographic method, comprising:

providing an inflatable structure that defines a cavity having a wall colored to produce a chroma key colored background;  
positioning a camera and a subject inside the cavity;  
illuminating the subject with artificial lighting transmitted through the wall; and  
photographing the thus illuminated subject against the background from the inside of the cavity.

20. The method of claim 19, wherein the subject comprises a person.
21. The method of claim 19, wherein the subject comprises a car.
22. The method of claim 19, further comprising positioning at least some photography-related equipment inside the cavity, and operating the equipment from outside the cavity.
23. The method of claim 19, wherein the step of providing the structure further comprises providing a floor portion that is an extension of the wall.

**IX. Evidence Appendix**

No evidence was submitted pursuant to §§ 1.130, 1.131, or 1.132.

**X. Related Proceedings Appendix**

No related proceedings are known to the applicant.